

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MERRILL LYNCH BUSINESS
FINANCIAL SERVICES INC.,

06 Civ. 6499 (SJF) (WDW)

Plaintiff,

ORDER

vs.

GRAYSTONE CONSTRUCTION CORP.,
LAKHVINDER SINGH, and
"JOHN DOE #1" THROUGH "JOHN DOE #12",
the last twelve names being fictitious and unknown
to plaintiff, being persons having or claiming an
interest in or lien upon the Collateral described in
the complaint,

Defendants.
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THIS MATTER having been opened to the Court by Spencer L. Schneider and Joel A. Siegel, attorneys for Plaintiff, Merrill Lynch Business Financial Service Inc., on motion for an Order of Seizure pursuant to FRCP Rule 64 and NY CPLR § 7102 against defendant Graystone Construction Corp., and pursuant to FRCP Rule 26(d) and NY CPLR § 7112 for an immediate deposition of defendant Lakhvinder Singh, all on notice to defendants, and the Court having read and considered the various moving papers and opposing papers, if any, filed in connection with this application and good cause otherwise appearing for the making and granting of the within Order:

IT IS on this 13th day of December, 2006, Ordered and Adjudged as follows:

1. (A) Plaintiff, Merrill Lynch Business Financial Services Inc., is hereby granted an Order of Seizure against defendant Graystone Construction Corp for possession of all Collateral under the

parties' WCMA Loan and Security Agreement, dated June 10, 2003;

(B) The United States Marshal for the Eastern District of New York is hereby directed to seize the Collateral described in the said WCMA Loan and Security Agreement (Exhibit "A" to the Declaration of Plaintiff's Vice-President Catherine L. Briick, sworn to December 5, 2006, and filed in this action on December 7, 2006), including the accounts, chattel paper, contract rights, inventory, equipment, fixtures, general intangibles, deposit accounts, documents, instruments, investment property and financial assets of defendant Graystone Construction Corp., wherever located, and all proceeds thereof;

(C) Merrill Lynch Business Financial Services Inc., the secured creditor on behalf of whom this Order is being issued, is authorized under the supervision and with the assistance of the United States Marshal, to take all necessary steps to secure and remove the following property: all inventory, equipment, fixtures, documents, and all other assets of Graystone Construction Corp., located at 175 Great Neck Road, Suite 304, Great Neck, New York, including breaking open, entering and searching for said property and placing it with an appropriate storage facility;

(D) Anyone interfering with the execution of this Order is subject to arrest by the United States Marshal and/or his or her representative;

(E) Merrill Lynch Business Financial Inc., on whose behalf the Court issues this Order, will account completely for all property seized pursuant to this Order and shall compile a written inventory of all such property and shall provide a copy to the United States Marshal, who shall include a copy with his or her return to the Court;

(F) Merrill Lynch Business Financial Inc., on whose behalf the Court issues this Order, will act as substitute custodian of any and all property seized pursuant to this Order and shall hold

harmless the United States Marshals Service and its employees from any and all claims, asserted in any court or tribunal, arising from any acts, incidents, or occurrences in connection with the seizure and possession of defendant Graystone Construction Corp.'s property, including any third-party claims.

2. Defendant Lakhvinder Singh shall appear at plaintiff's attorneys' office (70 Lafayette Street, 7th Floor, New York, New York 10013) on December 21st, 2006, at 10:00 a.m. for deposition.

2 3. A true copy of this Order shall be served upon defendants' or their attorneys within ^{two}~~seven~~ (7) days of receipt of same by plaintiff's counsel.

U.S.D.J.